THE HONOUABLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.8815 of 2006

Between:

M/s.Samudra Shirmp Private Limited. .. PETITIONER

and

The Deputy Registrar of Cooperative

Societies-cum-Officer on Special Duty,

and others.

.. RESPONDENTS

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

ORDER:

This writ petition is filed seeking a Mandamus declaring action of the first respondent in issuing certificate in favour of 2nd respondent on the claim petition under Section 70(1) of A.P.Cooperative Socities Act, dated 10-01-2006, as arbitrary and illegal.

It is the case of the petitioner that earlier it filed W.P.No.18392 of 2000 questioning the jurisdiction of the authorities in invoking the provisions of A.P. Co-operative Societies Act, since the loan amount is more than Rs.10,00,000/-. That was the subject matter of batch of writ petitions before this court and the same was disposed of by a Larger Bench holding that the Cooperative authorities have no power to

recover the amount except by way of approaching Debt Recovery Tribunal. The matter further carried by the Department before the Supreme Court of India and the same is stayed and pending. However, during the pendency of that case before the Apex Court, the petitioner was offered one time settlement, on 17-08-2004. In response to the same, the petitioner filed a representation on 30-09-2004 offering for one time settlement. According to the petitioner, nothing has happened thereafter as to the one time settlement scheme. In the meanwhile, the present impugned proceedings are issued proposing to recover the amount, and if he fails to do so, his property shall be subjected to auction.

Learned counsel for the petitioner states that unless and until the decision as to one time settlement scheme, to which he made his offer, is decided by the authorities, they could not have invoked the provisions of Section 70(1) of the Co-operative Societies Act.

In view of the above, without expressing any opinion on merits, the respondents are directed to dispose of the representation filed by the petitioner, dated 30-09-2004, within a period of six weeks from the date of receipt of a copy of this order. Till such time, the impugned order may not be given effect.

The writ petition is accordingly disposed of. No order as to costs.

_____

16-06-2006

Note:

Issue C.C. by Monday.

(B/o)

Prv